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Planning for States and Nation/States

A TRANSATLANTIC EXPLORATION

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For planning processes to resolve the pressing issues of our day—such as climate change, traffic congestion, and social justice—plans must be made at the appropriate scale, must promulgate appropriate implementation tools, and must be enforced with legitimate authority. That is, our ability to meet critical challenges depends on the legal and institutional foundations of planning.

In the United States, responsibility for establishing these foundations for planning rests with the states, which in turn have delegated most land use authority to local governments. In Europe, the foundations of planning are established by each country, whose planning systems often feature national and regional plans as well as a mosaic of local plans. For better and for worse, these institutional foundations have framed the planning process on both sides of the Atlantic Ocean for most of the post-war period. But as the scope of our planning challenges continues to broaden, and discontent with the status quo continues to spread, several states and European nations have

begun to experiment with new and innovative approaches to planning.

The opportunity to explore and discuss these issues brought scholars, practitioners, students, and others to Dublin, Ireland, in October 2012 for a two-day seminar sponsored by the Lincoln Institute of Land Policy and organized by the School of Geography, Planning, and Environmental Policy at University College Dublin and the National Center for Smart Growth at the University of Maryland. Held in the historic Newman House on St. Stephen's Green, the meetings featured overview papers on planning in the United States and Europe and case studies of five U.S. states and five European nations. Each presentation was followed by commentary from a high-level official from the corresponding state or nation (see box 1).

A Framework for Spatial Planning in Europe

Planning in Europe is governed by a variety of traditions and governance structures (Faludi 2012). Some European nations have “unitary” governance structures, in which all land use authority ultimately rests with the national government. Italy and Spain have “regional” governance structures, in which

Leinster House is the seat of Parliament in Ireland, one of few European countries engaged in planning that guides national investments and land use regulations.

BOX 1

Papers Presented at the Dublin Seminar on Planning for States and Nation/States, October 2012

Bierbaum, Marty

The New Jersey State Development Plan

Faludi, Andreas

The Europeanisation of Planning and the Role of ESPON

Fulton, Bill

Planning for Climate Change in California

Galland, Daniel

The Danish National Spatial Planning Framework

Geppert, Anna

Spatial Planning in France

Grist, Berna

The Irish National Spatial Strategy

Knaap, Gerrit

PlanMaryland: A Work in Progress

Lewis, Rebecca

The Delaware State Development Plan

Needham, Barrie

The National Spatial Strategy for The Netherlands

Salkin, Patricia

Planning Frameworks in the United States and the Role of the Federal Government

Seltzer, Ethan

Land Use Planning in Oregon: The Quilt and the Struggle for Scale

Tewdwer-Jones, Mark

National Planning for the United Kingdom

For more information about the seminar, see the program website: <http://www.ucd.ie/gpep/events/seminarsworkshops/conferences/natplansymp2012>

land use authority is constitutionally shared between the national government and regional governments. Austria, Belgium, and Germany have “federalist” governance structures, in which particular land use functions are distributed among the national, regional, and local governments. Within these frameworks a variety of planning cultures and traditions have evolved: “aménagement du territoire” in France; “town and country planning” in the UK; “Raumordnung” in Germany; and “ruimtelijke ordening” in The Netherlands. While these terms generally connote what “urban planning” means in the United States, there are important, nuanced, and fiercely defended differences.

The expression for urban planning used by the European Union is “spatial planning” (European Commission 1997, 24).

Spatial planning refers to the methods used largely by the public sector to influence the future distribution of activities in space. It is undertaken with the aims of creating a more rational territorial organization of land uses and the linkages between them, to balance demands for development with the need to protect the environment, and to achieve social and economic objectives.

Spatial planning embraces measures to co-ordinate the spatial impact of other sectoral policies, to achieve a more even distribution of economic development between regions than would otherwise be created by market forces, and to regulate the conversion of land and property uses.

The European Union has no authority to engage in spatial planning, but directly influences spatial planning outcomes through regional development initiatives, environmental directives, and structural and cohesion funding. This goal is articulated in the European Spatial Development Perspective (ESDP) signed in 1998 by the ministers responsible for spatial planning in the member states and the members of the European Commission responsible for regional policy (Faludi 2002).

Modern spatial planning in the European context is broadly understood to include national, regional, and local planning, where national plans provide broad national development strategies and guidelines for plans at lower levels of government; regional plans integrate physical development with social, economic, and environmental policies but without site-level specificity; and local plans are site-specific and address the physical and urban design elements of the built environment. While none of the planning frameworks for the member nations matches this neat hierarchical ideal exactly, the ESDP has influenced planning activity in every nation.

The ESDP itself is based on longstanding European planning traditions dating to World War II, when national development or reconstruction plans were indisputably necessary for post-war reparations. Many European nations still have national development plans and complementary national spatial strategies. But the influence and importance of those plans has diminished steadily since reconstruction. In the last decade in particular, nations once known for their ambitious and extensive commitment to planning—France,

Denmark, and the United Kingdom among them—have failed to adopt new national plans and expressly placed greater emphasis on regional and local plans.

National European Spatial Strategies and Frameworks

France

Although France is a unitary, centralized nation-state, the national government has never played a leading role in spatial planning. Rather, responsibility for spatial planning was officially transferred to regional and local governments in devolutionary reforms adopted in 1982 and 2003 (Geppert 2012). Although coordination between governments at different levels continues, this process results more often in joint investment strategies rather than in shared spatial visions or common objectives. Before most other nations, the French national government began focusing less on spatial planning and more on sectoral policies, leaving spatial issues for lower levels of government.

Denmark

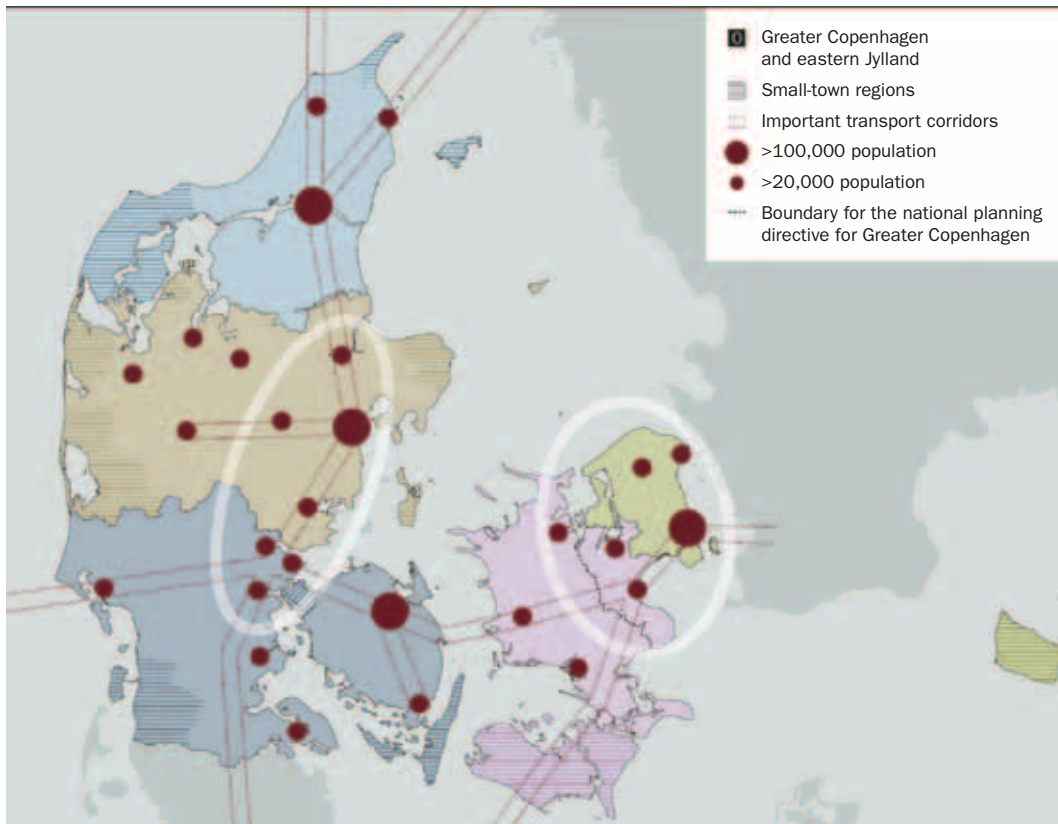
Planning in Denmark historically began with a comprehensive national planning framework (Gal-land 2012). Over the last two decades, however, as a result of interrelated political and economic factors, the land use roles of national, local, and regional governments within the national territory have significantly transformed the scope, structure, and understanding of Danish spatial planning (figure 1).

Among the implications of this reform, several spatial planning responsibilities have been decentralized to the local level while regional planning for Greater Copenhagen and other sectoral functions have been transferred to the national level. Moreover, the recent abolition of the county level of government has increased the risk of uncoordinated spatial planning and decreased coherence across diverse policy institutions and instruments.

The Netherlands

The Netherlands has perhaps the longest and best-known tradition of national spatial planning, and

FIGURE 1
The New Map of Denmark: Spatial Planning under New Conditions, 2006



Source: Denmark Ministry of the Environment (2006).

its plans include industrial as well as detailed spatial policies (Needham 2012). For several decades, Dutch national plans influenced the distribution of people and activities throughout the country. In the first decades after World War II, all levels of government—national, provincial, and municipal—tended to work together in their spatial planning. In the 1990s, however, they started to move apart. In response, the national government strengthened its own powers over the local governments (a form of centralization), and at the same time reduced its own ambitions to pursue a national spatial strategy (a form of decentralization). The latest national spatial strategy expressly withdraws from some planning tasks previously carried out by the national government.

United Kingdom

In the early 1900s, the UK Parliament divested its direct powers to plan; instead, the powers of intervention, new state housing development, and regulation of private housing development were handed over to local governments (Tewdwr-Jones 2012). In the following decades, the central government did acquire new planning powers of its own as a consequence of World War II and the need to rebuild cities, infrastructure, and the economy in the national interest. Since 1945, central government has retained these powers, while also permitting the monitoring of local authorities in their operation of the planning system.

These powers have changed dramatically over the last 70 years. After 1999, devolution in Wales, Scotland, and Northern Ireland further fragmented the meaning of “national” in policy and planning terms. During the 2000s, the push toward regional spatial planning in England also rebalanced national planning matters toward sub-national interests. As a result of this trend in devolution, decentralization, regionalism, and localism over the last 20 years, it is increasingly questionable whether the UK now possesses anything that could be regarded as a national planning system, since so much has changed spatially and within policy-making institutions and processes across different parts of the country.

Ireland

Ireland is one of few European nations not following the trend toward decentralization of planning authority, partly due to the fact that its planning system has been fully decentralized (Grist 2012).

Largely following EU guidelines, Ireland adopted a series of national development plans, the latest one being the National Development Plan 2007–2013. Based on recommendations in the previous national plan, the Department of Environment, Community and Local Government in 2002 developed the Ireland National Spatial Strategy. This strategy identified critical gateways and hubs and articulated plans to decentralize economic activity from Dublin and throughout the island.

Following a turbulent period that saw the rise and fall of the Celtic Tiger, blamed in part on lax local planning policies allied with extensive incentivizing of property development and political corruption, the country is now revisiting that strategy, strengthening regional development guidelines, and imposing new consistency requirements on local governments.

Under the new evidence-based planning regime, local plans must conform more closely with regional planning guidelines, and local plans will have quantitative limits on how much development can be allowed. The future role of the National Spatial Strategy is currently in the review process as the new government, elected following the property crash in Ireland, examines the planning and development issues that prevailed during the property bubble.

The Federal Government and Land Use in the United States

The U.S. federal government, like the European Union, has no authority to plan and manage land use, but probably has a greater influence on the location and nature of development patterns (Salkin 2012). Besides the billions of dollars it allocates for transportation infrastructure, social services, development, and redevelopment, the federal government is a major landowner of more than 630 million acres across the country. Federal regulations are also highly influential. The Clean Air and Water Acts, for example, impose no restrictions on land use per se, but in establishing targets for ambient air quality and nutrient loadings to rivers, lakes, and streams, both acts profoundly influence local land use plans, regulations, and development patterns.

More recently, President Barack Obama’s administration has established a new channel of federal influence on land use planning and regulation. While the federal government continues to refrain from direct intervention in local land use

governance, the secretaries of the Departments of Transportation and Housing and Urban Development and of the Environmental Protection Agency signed a memorandum of understanding establishing the Sustainable Communities Partnership. To promote six principles of sustainable communities, these agencies launched a number of new grants programs, including the Regional Sustainable Communities Planning Grants. To be eligible for such a grant, local governments must form inter-organizational consortia that include the metropolitan planning organization (MPO), the central city, the majority of local governments, and a representation of civic and advocacy groups.

While the stated purposes of these path-breaking grants include urban revitalization, environmental protection, social justice, and sustainable development, an equally important purpose is to establish new inter-institutional relationships by promoting greater inclusion and participation. Regional Sustainable Communities Planning is now underway in 74 metropolitan areas across the country. It remains to be seen, however, whether the incentives offered to local governments to engage in regional planning are sufficient to get them to participate in regional plan implementation without additional state-level intervention.

State Plans and State Planning Frameworks

Every state established a framework for local planning and regulation in the 1920s and 1930s based on the standard planning and zoning enabling acts prepared by the U.S. Department of Commerce. Despite expectations of extensive institutional change, characterized in the “Quiet Revolution” more than 40 years ago, most states merely authorize local governments to plan (Salkin 2012).

Others, like Oregon, mandate, review, and approve local plans (Seltzer 2012). If local governments do not submit plans that meet the state’s land use goals and guidelines, the state can withhold funds or the authority to issue building permits. Several unique land use institutions also support the Oregon planning system, including a state planning commission, a land use court of appeals, and a directly elected regional government. Though simple in structure, and frequently challenged in the courts and at the ballot box, the Oregon system has a reputation as one of the most, if not the most, effective land use systems in the United States (Ingram et al. 2009).



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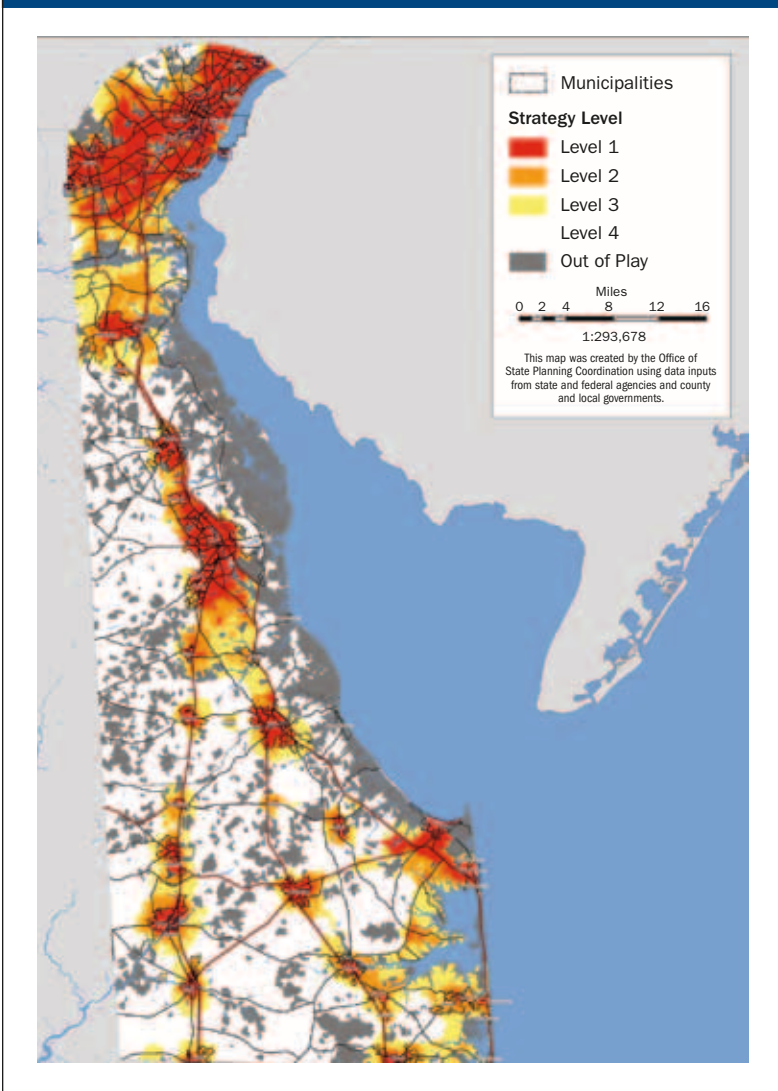
California is among the states that delegated substantial land use authority to local governments. Although major development projects have to pass a complex mini-National Environment Policy Act process, and the California Coastal Commission was an innovative new statewide institution in its day, local planning remains dominant. But in 2008, the state adopted a bold new initiative to address climate change—Senate Bill 375, which required MPOs to develop transportation and land use plans that meet state greenhouse gas targets. The difficulty is that local governments, not MPOs, retain land use authority in California. MPOs and the state governments are providing incentives for local governments to adopt plans that conform with metropolitan plans, but it remains uncertain whether the combination of financial and other incentives are sufficient to nudge local governments to follow the MPO plans (Fulton 2012).

At the other extreme, plans for entire states are not common in the United States. In response to federal requirements, most states do have transportation plans, and some have economic development plans, workforce development plans, or climate action plans, but only five have state development plans—Connecticut, Delaware, Maryland, New Jersey, and Rhode Island.

New Jersey and Delaware have perhaps the best- and least-known state plans, respectively. New Jersey adopted its State Planning Act in 1985, requiring the state planning commission to develop, adopt, and implement the New Jersey State Development and Redevelopment Plan (Bierbaum 2012). The planning process included a complex cross-acceptance procedure for identifying and resolving differences between the state and local governments. Since its adoption, the influence of

Attendees from the October 2012 Lincoln Institute seminar, “Planning for States and Nation/States,” at Newman House, University College, Dublin.

FIGURE 2
Delaware: State Strategies for Policies and Spending, 2010



Source: State of Delaware Office of State Planning Coordination

and attention received by the plan has ebbed and flowed over successive gubernatorial administrations. Most recently, Governor Chris Christie’s administration developed an entirely new state plan, focused primarily on economic development without the cross-acceptance process. The state plan commission, however, has not yet adopted the plan.

The Delaware plan is much less well-known and far less controversial than the New Jersey plan, and both the content and process are less complex (Lewis 2012). The Delaware plan includes five general land designations (figure 2). It depends on state-local coordination and relies on the threat of withholding infrastructure funding (of which the state pays a significant share) to incentivize compliance by local governments. Because the state did not begin tracking data on development patterns

until 2008, and does not maintain spatial data on state expenditures, it is difficult to discern the impact of the approach on development and the consistency of state spending with the state plan map.

Maryland is the only state that rivals California and Oregon in its adoption of bold new approaches to planning, based on its long tradition of leadership in land use and environmental policy (Knaap 2012). Maryland established the first state plan commission in 1933, and broke into the national spotlight in 1997, when it adopted the path-breaking Smart Growth and Neighborhood Conservation Act. Since 1997 the use of state expenditures to provide incentives for smart growth has been the signature feature of the Maryland approach. Long before anyone in Maryland spoke the words “smart growth,” however, the state had passed legislation in 1959 that required the Maryland Department of Planning to develop and adopt a state development plan. More than 50 years later, the administration of Governor Martin O’Malley finally met that requirement.

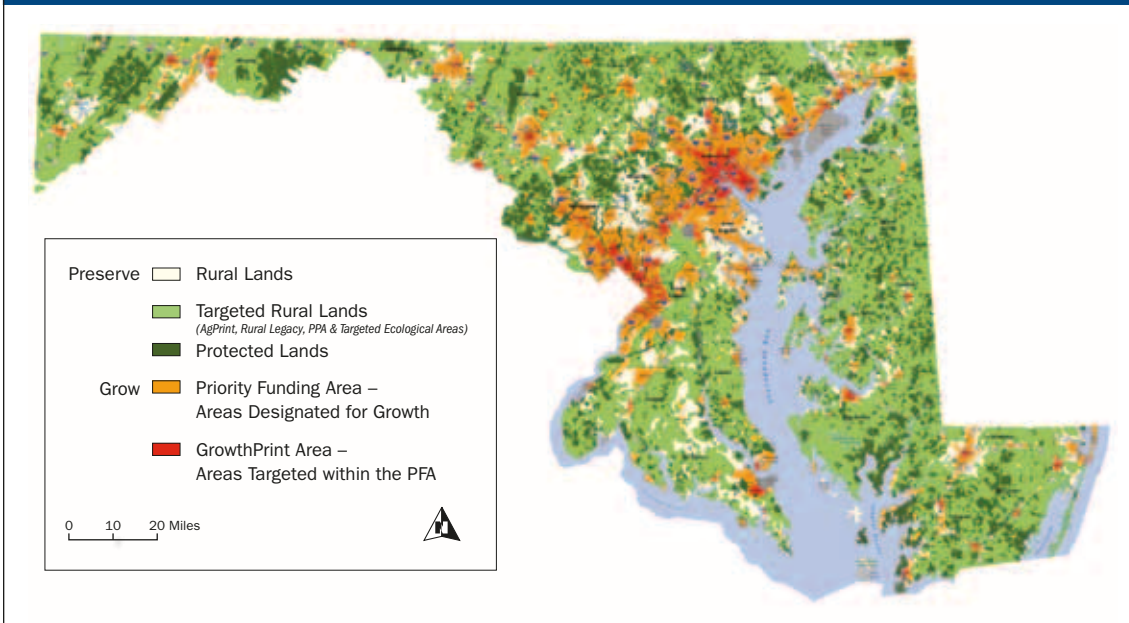
On December 19, 2011, Governor O’Malley signed PlanMaryland, establishing the first new state development plan in the United States in many years (figure 3). But unlike state plans in New Jersey or Delaware, the Maryland plan is more procedural than substantive. Specifically, it established six plan designation categories and, following a longstanding Maryland tradition, enabled local governments to allocate land for any or all designated uses. State agencies would then target programmatic funds to each of these areas. Since the plan was signed, state agencies have been developing and refining implementation plans, and local governments have just recently begun submitting plans for state certification.

Concluding Comments

The frameworks for land use and spatial planning vary extensively across Europe and the United States. On both sides of the Atlantic, local governments carry much of the load, especially with respect to community, neighborhood, and site-specific details. But the role of regions, states, and nations remains important.

Contrary to its reputation in the United States, planning in many European nations has decentralized extensively. Few European nations are engaged in full-scale national plans that guide national investments and land use regulations. In fact,

FIGURE 3
PlanMaryland Targeted Areas



Source: Maryland Department of Planning

planning in Europe, while still far more comprehensive in sectoral details than in the United States, shares many policy features with its North American counterpart. An interesting exception is Ireland, which continues to expand the role of national and regional governments partly as a response to the recent period of extremely decentralized planning that failed to take into account and implement the national strategy. Ireland is also one of the few countries adhering to the broad principles of spatial planning formally adopted by the European Union.

In the United States, neither state development planning nor state approval of local plans is a rapidly growing practice. Indeed, despite the demonstrated success of the Oregon program and the growing recognition of the need for horizontal and vertical policy integration, land use planning in the United States remains a fiercely local affair. Although both the state of California and the federal government are providing financial incentives for intergovernmental coordination and planning at the metropolitan scale, it remains far from certain that incentives alone will secure the changes in local plans and regulations required to institute meaningful adjustments in land consumption, travel behavior, and access to opportunities.

New approaches are needed to make cities and metropolitan areas more productive, equitable,

and environmentally sustainable in light of anticipated challenges in the future. If these issues cannot be addressed adequately, other kinds of experiments in institutional planning reforms may become more common in many countries. **L**

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